

PLANNING AND ZONING COMMISSION
STAFF REPORT

August 21, 2014



Easement Release case no. ER14-03: Chris Lawrence

CASE DESCRIPTION: a request to release a 20-foot wide by 125-foot long Public Utility Easement extending across Block 142 in the Bryan Original Townsite

LOCATION: 2500 square feet of land located between North Parker Avenue and North Sims Avenue midway between West 23rd Street and West 24th Street

APPLICANT(S): Chris Lawrence

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the release of this public utility easement, as requested.



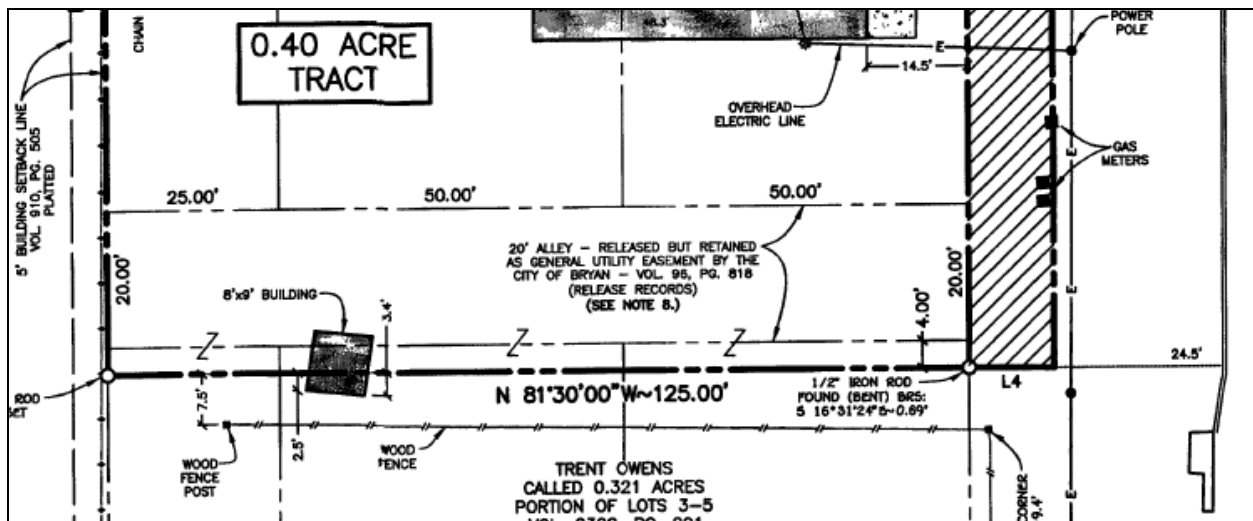
BACKGROUND:

Only Bryan's City Council can authorize the release of easements intended for public use that were dedicated by a legal instrument other than a subdivision plat. The Planning and Zoning Commission is asked to make a recommendation to the City Council regarding all easement release requests.

In December 1978 the Bryan City Council closed, abandoned and quitclaimed the public alley in Block 142 to the adjoining property owners, retaining for future use of the city a public utility easement over the entire tract quitclaimed. Please see Ordinance 309 below.

The applicant is the current owner of one half of the area abandoned and quitclaimed by the City in 1978, and is proposing to redevelop his property. No public facilities are currently located within this easement and City staff does not foresee a future need for possible future use of this easement for public purposes.

DETAIL OF PROPOSED REPLAT DRAWING (CASE NO. RP14-11) SHOWING THE AREA OF PUBLIC UTILITY EASEMENT REQUESTED TO BE ABANDONED:



RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** the release of the public utility easement as requested.

ORDINANCE NO. 309

AN ORDINANCE CLOSING, ABANDONING, AND VACATING
AN ALLEY IN BLOCK 142, OLD TOWNSITE, BRYAN,
BRAZOS COUNTY, TEXAS; AUTHORIZING THE MAYOR TO
EXECUTE A RELEASE TO THE ABUTTING PROPERTY
OWNERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, all of the owners abutting the alley have
requested by petition that the alley be abandoned by the City;
and

WHEREAS, the alley is not now needed for public street
purposes, and will not be needed in the future for public
street purposes, except to the extent reserved and excepted in
the Release; and

WHEREAS, the closing, abandoning and vacating of said
alley will relieve the City of any responsibility to maintain
the alley which is of at least equal value to the appraised
market value of the alley;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRYAN:

1.

That said alley described as follows:

Being an alley in Block 142, Old Townsite, S. F.
Austin No. 9 League, Bryan, Brazos County, Texas,
and being more particularly described as follows:

BEGINNING at a point in the east right-of-way line
of Sims Avenue, said point also being the southwest
corner of Lot 10, Block 142, in the Old Townsite as
recorded in Volume H, Page 721 of the Deed Records
of Brazos County, Texas;

THENCE southeast with the southwest property line of
the aforementioned Lot 10, for a distance of 250 feet
to a point in the west right-of-way line of Parker
Avenue, said point also being in the southeastern
corner of Lot 6, Block 142, in the Old Townsite as
recorded in Volume H, Page 721 of the Deed Records of
Brazos County, Texas;

THENCE southwest with the said west right-of-way line
of Parker Avenue for a distance of 20 feet to a point
in the northeast corner of Lot 5, Block 142, in the
Old Townsite as recorded in Volume H, Page 721 of the
Deed Records of Brazos County, Texas;

THENCE northwest with the northeast property line of
the aforementioned Lot 5 for a distance of 250 feet
to a point in the east right-of-way line of Sims
Avenue, said point also being the northwest corner of
Lot 1, Block 142, in the Old Townsite as recorded in
Volume H, Page 721 of the Deed Records of Brazos
County, Texas;

Alley Closing Ordinance
Block 142, Old Townsite

THENCE northeast along the said east right-of-way line of Sims Avenue for distance of 20 feet to a point; said point being the place of beginning, and containing 0.115 of an acre of land, more or less;

be and the same is hereby closed, abandoned, and vacated for public use, and the same is hereby closed, abandoned, and vacated insofar as all public right, title and interest in and to said described alley is concerned except to the extent excepted in the attached Release.

2.

That the Mayor is hereby authorized to execute on behalf of the City of Bryan a Release substantially in the form attached hereto as Exhibit "A."


3.

That this ordinance shall become effective in accordance with the terms and provisions of the Charter of the City of Bryan.

PRESENTED AND GIVEN first reading the 11th day of December, 1978, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 18th day of December, 1978, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Bryan, Texas.


Richard Smith, Mayor

ATTEST:


Joe L. Evans, City Secretary

APPROVED AS TO FORM:


Charles K. Bluntzer, City Attorney

R E L E A S E

THE STATE OF TEXAS ()

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BRAZOS ()

That the City of Bryan, a municipal corporation by and through its Mayor, as authorized by Ordinance, in consideration of the premises has this day and does by these presents Release, Discharge and Quitclaim unto each of the owners of the underlying fee simple interest, to-wit: GIRLS CLUB OF BRAZOS COUNTY, INC. and TONY BARCELONA ESTATE, and their heirs and assigns, subject to the reservations hereinafter described, all the right, title, interest and estate to the alley of the City of Bryan described as follows:

Being an alley in Block 142, Old Townsite, S. F. Austin No. 9 League, Bryan, Brazos County, Texas, and being more particularly described as follows:

BEGINNING at a point in the east right-of-way line of Sims Avenue, said point also being the southwest corner of Lot 10, Block 142, in the Old Townsite as recorded in Volume H, Page 721 of the Deed Records of Brazos County, Texas;

THENCE southeast with the southwest property line of the aforementioned Lot 10, for a distance of 250 feet to a point in the west right-of-way line of Parker Avenue, said point also being in the southeastern corner of Lot 6, Block 142, in the Old Townsite as recorded in Volume H, Page 721 of the Deed Records of Brazos County, Texas;

THENCE southwest with the said west right-of-way line of Parker Avenue for a distance of 20 feet to a point in the northeast corner of Lot 2, Block 142, in the Old Townsite as recorded in Volume H, Page 721 of the Deed Records of Brazos County, Texas;

THENCE northwest with the northeast property line of the aforementioned Lot 2 for a distance of 250 feet to a point in the east right-of-way line of Sims Avenue, said point also being the northwest corner of Lot 1, Block 142, in the Old Townsite as recorded in Volume H, Page 721 of the Deed Records of Brazos County, Texas;

THENCE northeast along the said east right-of-way line of Sims Avenue for a distance of 20 feet to a point; said point being the place of beginning, and containing 0.115 of an acre of land, more or less.

Save and except for the following easements to be retained by the City of Bryan:

A general utility easement for under, on or above ground utilities covering the same tract of property released above with a right of ingress and egress to such property and a right to remove any trees, shrubs, fences or other such improvements constructed in the above described utility easement area for the purpose of construction, maintenance, removal or repair of such utilities. No permanent improvements can be constructed by the abutting property owners in the utility easement area.

WITNESS MY HAND this the 18TH day of December, 1978.

CITY OF BRYAN

ATTEST:

By _____
Richard Smith, Mayor

Joe E. Evans, City Secretary